

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CLIFFORD GENE MYERS,

Plaintiff,

v.

CONNIE JOHNSON, et al.,

Defendants.

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Case No. CIV-22-919-D

ORDER

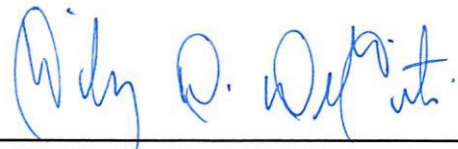
Plaintiff Clifford Gene Myers, a pretrial detainee appearing pro se, brought this civil rights action pursuant to 42 U.S.C. § 1983 against Defendants Connie Johnson, Amanda Merriott, and Mark Winchester. The matter was referred to United States Magistrate Judge Suzanne Mitchell in accordance with 28 U.S.C. § 636(b)(1)(B) and (C). Judge Mitchell has issued a Report and Recommendation [Doc. No. 17] recommending that the Joint Motion to Dismiss filed by Defendants Merriott and Winchester [Doc. No. 6] be granted and that the claims against Defendant Johnson be dismissed at screening for failure to state a claim.

Plaintiff timely filed a Response to Recommendation to Dismiss [Doc. No. 18], which the Court construes as an objection to Judge Mitchell's Report and Recommendation. Plaintiff's Response repeats some of the allegations included in his Complaint and supplemental filings [Doc. Nos. 1-1, 1-6, 13], but presents no persuasive argument or authority that would cause this Court to reject the magistrate judge's conclusion that Plaintiff has failed to state a claim against Defendants in either their individual or official capacities. Plaintiff also complains that he was not given notice that

this action was removed to federal court, however the case record indicates that the Notice of Removal [Doc. No. 1] was mailed to his address of record.

The Court has reviewed the entirety of the Report and Recommendation, as well as the case record, and fully concurs in the Report and Recommendation. Therefore, the Court, having conducted a *de novo* review, hereby ADOPTS the Report and Recommendation [Doc. No. 17] in its entirety. The Joint Motion to Dismiss of Defendants Merriott and Winchester [Doc. No. 6] is GRANTED and Plaintiff's Motion for Appointment of Counsel [Doc. No. 8] and Motion to Produce Favorable Evidence [Doc. No. 11] are DENIED as moot. Plaintiff's claims against Defendants Merriott, Winchester, and Johnson are DISMISSED without prejudice.

IT IS SO ORDERED this 29th day of March 2023.



TIMOTHY D. DeGIUSTI
Chief United States District Judge